

UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

UNITED STATES OF AMERICA,

Plaintiff,

v.

\$16,480.00 in U.S. Currency;

One 2003 Honda CBR600 Motorcycle, VIN #
JH2PC37093M010219;

One 1999 Lincoln Navigator, VIN #
5LMPU28L1XLJ11459;

Defendants.

Civil No. 06-33-JD

**FINAL ORDER OF FORFEITURE AS TO DEFENDANTS *IN REM*
\$16,480.00 IN U.S. CURRENCY; ONE 2003 HONDA CBR600 MOTORCYCLE,
VIN # JH2PC37093M010219; AND ONE 1999 LINCOLN NAVIGATOR,
VIN # 5LMPU28L1XLJ11459**

1. This action *in rem* was brought on January 31, 2006.
2. The United States has represented that it served a copy of the Complaint, along with the Notice of Complaint, Summons and Warrant of Arrest In Rem, and ECF Notices on all known parties with a potential interest in the defendants *in rem* \$16,480.00 in U.S. Currency; One 2003 Honda CBR600 Motorcycle, VIN # JH2PC37093M010219; and One 1999 Lincoln Navigator, VIN # 5LMPU28L1XLJ11459.
3. The U.S. Marshals Service caused a legal notice of this action in rem to be published in the *Boston Herald* on May 23, 2006, May 30, 2006, and June 6, 2006.
4. The only timely claimant asserting an interest in the \$16,480.00 in U.S. Currency; One 2003 Honda CBR600 Motorcycle, VIN # JH2PC37093M010219; and One 1999 Lincoln

Navigator, VIN # 5LMPU28L1XLJ11459 was Sim Say, who has assented to the relief granted in this Order. Claims based on notice by publication were due no later than July 6, 2006.

5. The Verified Complaint for Forfeiture in Rem established probable cause to believe that the defendants *in rem* \$16,480.00 in U.S. Currency; One 2003 Honda CBR600 Motorcycle, VIN # JH2PC37093M010219; and One 1999 Lincoln Navigator, VIN # 5LMPU28L1XLJ11459 were furnished or intended to be furnished in exchange for controlled substance, in violation of Title II of the Controlled Substances Act, 21 U.S.C. § 801 et seq., and are subject to forfeiture under 21 U.S.C. § 881(a)(6), and that the defendant *in rem* One 1999 Lincoln Navigator, VIN # 5LMPU28L1XLJ11459 was a conveyance which was used, or intended for use, to transport, and in any manner to facilitate the transportation, sale, receipt, possession, and concealment of controlled substances, in violation of Title II of the Controlled Substances Act, 21 U.S.C. § 801 et seq., and is subject to forfeiture under 21 U.S.C. § 881(a)(4).

IT IS HEREBY ORDERED, ADJUDGED AND DECREED:

A. That all rights, title and interests to the defendants *in rem* \$16,480.00 in U.S. Currency; One 2003 Honda CBR600 Motorcycle, VIN # JH2PC37093M010219; and One 1999 Lincoln Navigator, VIN # 5LMPU28L1XLJ11459 are hereby condemned, forfeited and vested in the United States of America pursuant to 21 U.S.C. §§ 881(a)(4) and (6), free from the claims of any other party.

B. That the defendants *in rem* \$16,480.00 in U.S. Currency; One 2003 Honda CBR600 Motorcycle, VIN # JH2PC37093M010219; and One 1999 Lincoln Navigator, VIN # 5LMPU28L1XLJ11459 shall be disposed of by the United States Marshals Service (USMS) in accordance with the applicable law and regulations. The vehicles may be placed into official use,

pursuant to the applicable law and regulations. Any liquidated funds, less costs to the USMS associated with the defendants *in rem* shall be deposited into the Department of Justice Asset Forfeiture Fund in accordance with Title 28, United States Code, Section 524(c) and Title 21, United States Code, Section 881(e).

The Clerk is hereby directed to send two certified copies of this Order to the United States Marshals Service, one certified copy to the United States Attorney's Office, Attention: Assistant U.S. Attorney Jean B. Weld, and a copy to all counsel of record.

Dated: February 21, 2007

/s/ Joseph A. DiClerico, Jr.

UNITED STATES DISTRICT JUDGE